



CITY OF HAYWARD

AGENDA REPORT

Planning Commission

Meeting Date 05/18/00

Agenda Item 2

TO: Planning Commission

FROM: Dyana Anderly, Planning Manager

SUBJECT: **Reconsideration of Variance No. 00-180-05 - Arcelina and John Emory (Applicants/Owners): Request to Construct an Addition to a Dwelling 15 Feet From the Front Property Line Where a Minimum of 20 Feet is Required - The Project Location is 24918 Broadmore Avenue, Easterly Side, Approximately 50 Feet North of Lindhurst Lane (Santa Clara Neighborhood) in the Single-Family Residential (RS) District**

RECOMMENDATION:

Staff recommends that the Planning Commission deny the variance.

DISCUSSION:


On April 27, 2000, the Planning Commission considered this variance application. Per the City Charter, "*The affirmative or negative vote of a majority of the entire membership of such board or commission shall be necessary for it to take any action, except to adjourn.*" Therefore, four votes are required to take an action. Because the Planning Commission voted 3:2 to approve the variance, no "action" was taken and this application is being remanded to the Planning Commission for reconsideration. Please refer to the attached staff report for the project analysis and to the attached minutes for the discussion that took place during the Planning Commission hearing. Staff will again present the matter during the public hearing.

Subsequent to the hearing, the applicant provided additional materials in support of his application (see attached). Please note that the homes that are situated on Broadmore Avenue with 10-foot setbacks are on corner lots and enjoy 20-foot setbacks on the side streets.

PUBLIC NOTICE:

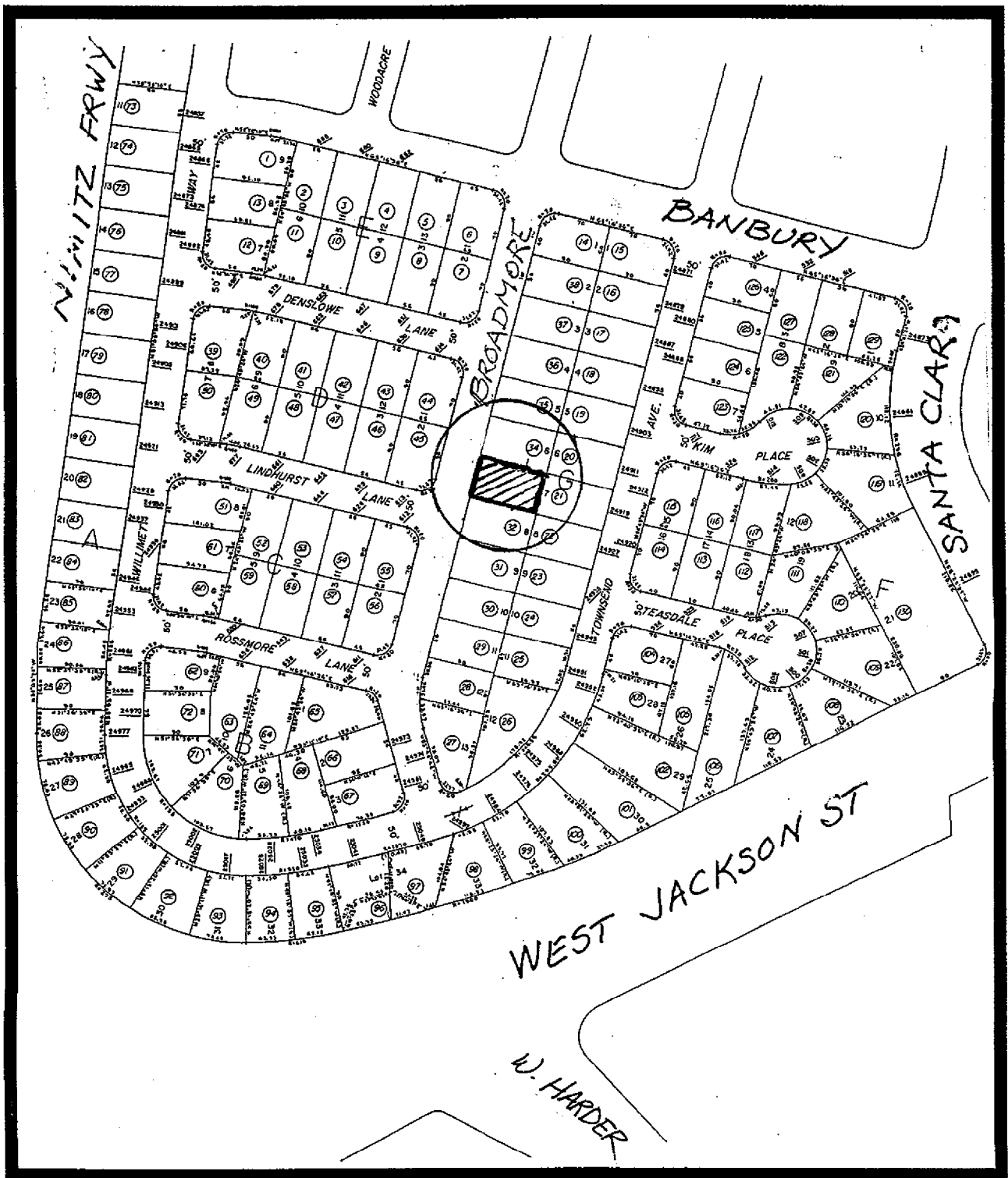
On May 8, 2000, a Notice of Public Hearing for the Planning Commission meeting was mailed to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records. Notice was also provided to Santa Clara Neighborhood Plan Task Force members.

Prepared by:


Dyana Anderly
Planning Manager

Attachments:

- A. Area Map
- B. Findings
- C. Staff Report, dated April 27, 2000
- D. Minutes of Planning Commission meeting of April 27, 2000
- E. Applicants materials dated May 5, 2000
Plans



**Area Map for 24918 Broadmore Avenue
Variance No. 00-180-05 to Reduce Req'd Front**

ATTACHMENT A

VARIANCE APPLICATION NO. 00-180-07
Arcelina and John Emory (Applicants/Owners)
FINDINGS
April 27, 2000

Findings For Denial – Request to expand a kitchen encroaching into the required 20-foot front yard setback.

- A. The proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15305, *Minor Alterations to Land Use Limitations*.
- B. There are no special circumstances applicable to the property regarding this request in that the characteristics of the subject property are similar to other parcels in the vicinity.
- C. Strict application of the Zoning Ordinance would not deprive such property of privileges enjoyed by other property in the vicinity under the same zoning classification in that no other similar variances have been approved in the vicinity.
- D. The variance would constitute a grant of a special privilege inconsistent with the limitations upon other properties in the vicinity and the Single-Family Residential zone in which the property is situated.
- E. The variance would compromise the purpose of the zone district and detrimental impact would result in that the required and desired open space would be reduced. Reducing the required front yard area on a potentially large number of parcels could change the character of the neighborhood.



CITY OF HAYWARD AGENDA REPORT

Planning Commission

Meeting Date 04/27/00

Agenda Item 3

TO: Planning Commission

FROM: Dyana Anderly, Planning Manager

SUBJECT: Variance No. 00-180-05 - Arcelina and John Emory (Applicants/Owners): Request to Construct an Addition to a Dwelling 15 Feet From the Front Property Line Where a Minimum of 20 Feet is Required - The Project Location is 24918 Broadmore Avenue, Easterly Side, Approximately 50 Feet North of Lindhurst Lane (Santa Clara Neighborhood) in the Single-Family Residential (RS) District

RECOMMENDATION:

Staff recommends that the Planning Commission deny the variance.

BACKGROUND:

The property is located within a single-family subdivision of similar homes. The 5,400 square-foot rectangular parcel measures 60 feet x 90 feet. The parcel is developed with a one-story single-family residence. Many of the homes in the area, including the subject home, were built with garages and family rooms constructed only 15 feet from the front property lines. The remaining portions of the homes are set back at least 20 feet from the front property line, and in many cases about 25 feet from front property lines.

The applicants are requesting a 56-square-foot expansion of their kitchen toward the front property line, which would result in more than half of the front portion of the house being only 15 feet from the front property line. Since the required setback is 20 feet, approval of a variance is required to carry out the project. No other similar variances have been granted in the neighborhood, and there is nothing unusual about the size or shape of the parcel that, in staff's opinion, would justify approval of a variance. In staff's opinion, allowing a variance in this instance opens the possibility of variances for other lots in this neighborhood since most other lot sizes and configurations and housing designs in the area are similar to the applicant's. Therefore, there is the potential to change the character of the neighborhood.

ENVIRONMENTAL REVIEW:

The proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15305, *Minor Alterations to Land Use Limitations*.


ATTACHMENT C

PUBLIC NOTICE:

On March 2, 2000, a Referral Notice was mailed to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records. Notice was also provided to the former task force members of the Santa Clara Neighborhood Plan. The Referral Notice provided an opportunity for persons to comment on the project. One telephone inquiry was received, which suggested that the applicant might be expanding a home-based business, which does not appear to be the case.

On April 17, 2000, a Notice of Public Hearing for the Planning Commission meeting was mailed to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records. Notice was also provided to Santa Clara Neighborhood Plan Task Force members.

Prepared by:


Dyana Anderly
Planning Manager

Attachments:

- A. Area Map
- B. Findings
Plans



Acting Chairperson Halliday continued that since they have been approving larger and larger houses on smaller lots, the Commission may have to look at some of the older neighborhoods and reconsider this issue. Older neighborhoods may begin to deteriorate without acknowledging the need for occasional facelifts.

Commissioner Williams agreed that the Commission may want to look at this issue at an upcoming session.

The motion **carried** by the following vote:

AYES:	COMMISSIONERS Bogue, Halliday, Williams, Zermeño
NOES:	COMMISSIONERS Bennett
ABSENT:	CHAIRPERSON Fish COMMISSIONERS Caveglia
ABSTAIN:	None

3. **Variance No. 00-180-05 – Arcelina and John Emory (Applicants/Owners):** Request to Construct an Addition to a Dwelling 15 Feet From the Front Property Line Where a Minimum of 20 Feet is Required - The Project Location is 24918 Broadmore Avenue, Easterly Side, Approximately 50 Feet North of Lindhurst Lane (Santa Clara Neighborhood) in the Single-Family Residential (RS) District

Planning Manager Anderly introduced the project which is an add-on to the kitchen. She indicated that exceptions have been allowed in the past. She then showed and described various houses in the neighborhood. She indicated that the variance would need to cite special circumstances.

Public Hearing Opened at 9:33 p.m.

John Emory, 24918 Broadmore Avenue, applicant, said they have a very small kitchen with a very large family. He said that since they have to fix the earthquake damage on the front of the house, they were hoping to enlarge the kitchen at the same time. He said the small cubby hole in the front of the house is a nuisance which this would solve.

Public Hearing Closed at 9:37 p.m.

Commissioner Zermeño suggested that since they have a variety of setbacks in the neighborhood, he would **move**, seconded by Commissioner Williams, to approve the variance, adding that it is a natural improvement to the home. It makes sense to tie it to the earthquake damage.

Commissioner Bogue said he would not support the motion since it is entirely different from

other houses on the block. It was the added on porch, which created the small cubby hole in the front.

Commissioner Bennett said this would have an insignificant impact on the neighborhood so this would not meet findings for an exception.

Acting Chairperson Halliday said this is a difficult issue since this would really change the look of the house, the street and the neighborhood. She said she would oppose the motion.

The motion **failed** by the following vote:

AYES:	COMMISSIONERS Bennett, Williams, Zermeno
NOES:	COMMISSIONERS Bogue, Halliday
ABSENT:	COMMISSIONER Caveglia CHAIRPERSON Fish
ABSTAIN:	None

After a 5-minute recess Assistant City Attorney Nakatsu reported that under the City Charter, Article IX, Section 904, the majority of the whole board (4 votes) is necessary to pass or fail an item.

4. **Site Plan Review Application No. 00-130-03/Variance Application No. 00-180-07 – Chung Yeh (Applicant/Owner):** Request to Construct Eight Dwellings With Variances to Locate Parking Within the Required 5-Foot Side Yard Setback - The Project Location is on the West Side of Dobbel Avenue, Approximately 110 Feet North of Pappas Place in the Single-Family Residential (RS) District

Planning Manager Anderly described the project as adhering to the Hillside Guidelines which encourages sharing driveways. She encouraged commissioners to support the project. She then responded to questions. In response to concerns about the space between homes, she indicated that there would be landscaping between the homes which would preclude use of that space for storage or parking.

The Public Hearing Opened at 10:10 p.m.

Bill Poon, architect for the project, described the landscaping between the houses. He added that it would be difficult for anyone to provide the amenity of paving for a parking area. He indicated that the Hillside Guidelines were used to develop the design of the driveways and the grading of the area.

Terry and Maryanne Rogers, 27722 Dobbel Avenue, said they live directly across from the project and questioned the number of cars per unit. They asked whether any traffic measures would be instituted, specifically stop signs and speed bumps.

Planning Manager Anderly indicated that the traffic that would be generated by the project would not, by itself create the need for additional traffic calming measures. She suggested that Mr. and Mrs. Rogers contact the Traffic Engineering Division.

RECEIVED

MAY 05,00.

MAY 9 2000

TO: HAYWARD PLANNING COMMISSION

FROM: JOHN AND ARCELINA EMORY.

PLANNING DIVISION

SUBJ: VARIANCE APPLICATION NO.00-180-07

DEAR COMMISSION MEMBERS

ON APRIL 27,00 MY APPLICATION FOR VARIANCE WAS HEARD BY YOUR COMMISSION, AND A VOTE WAS TAKEN WITH A 3 TO 2 VOTE OF APPROVAL . I HAVE NOW BEEN INFORMED THAT YOU NEED 4 VOTES TO APPROVE OR DISAPPROVE THIS VARIANCE.AND THERE WILL BE A VOTE ON MAY 18,00 .

I WOULD LIKE TO SUBMIT TO THE COMMISSION THE FOLLOWING PICTURES AND THIS LETTER EXPAINING WHAT WE PLAN TO DO, AND TO POINT OUT THAT SUCH A REQUEST WILL NOT ESTABLISH ANY NEGATIVE IMPACT IN THE COMMUNITY SO A HOMEIMPROVEMENT WILL ACTUALLY ENHANCE THE BEAUTY OF THE SURROUNDINGS IN THE COMMUNITY.

PICTURE #1, THIS PICTURE SHOWS THE FRONT OF THE HOUSE AND THE 5X5 SQUARE FOOT ACRE WHERE VARIANCE.IS NEEDED.

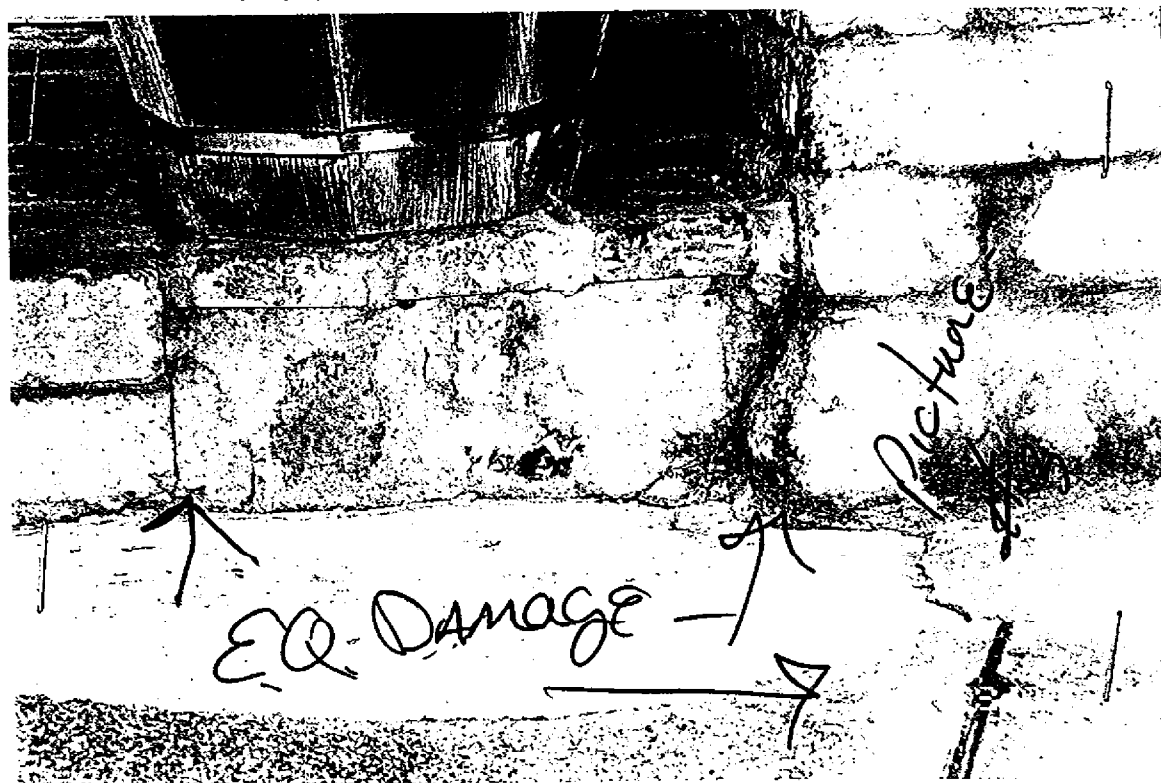


ATTACHMENT E

PICTURE #2, THIS SHOWS WHERE THE 20 FT, SET BACK IS.

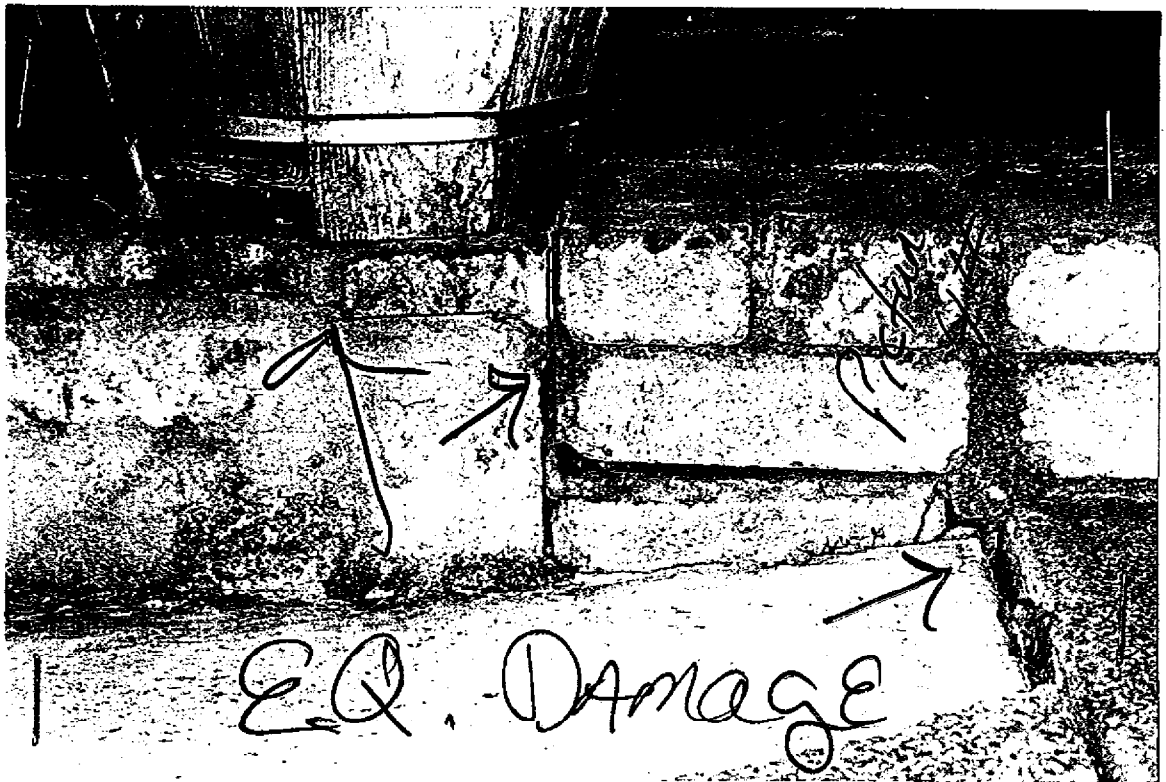


PICTURE #3, 4,5, SHOWS EARTHQUAKE DAMAGE.



#

4

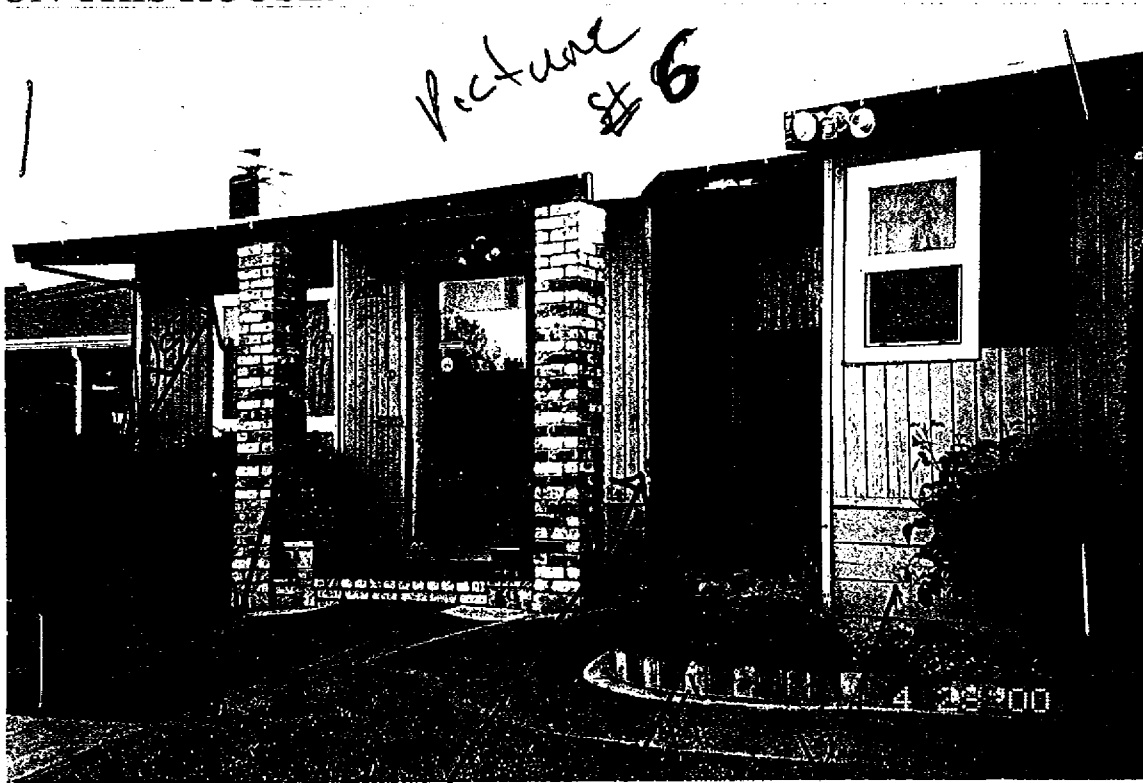


#

5



PICTURE #6 SHOWS ALL THE DIFFERENT SET BACK
ON THIS HOUSE.

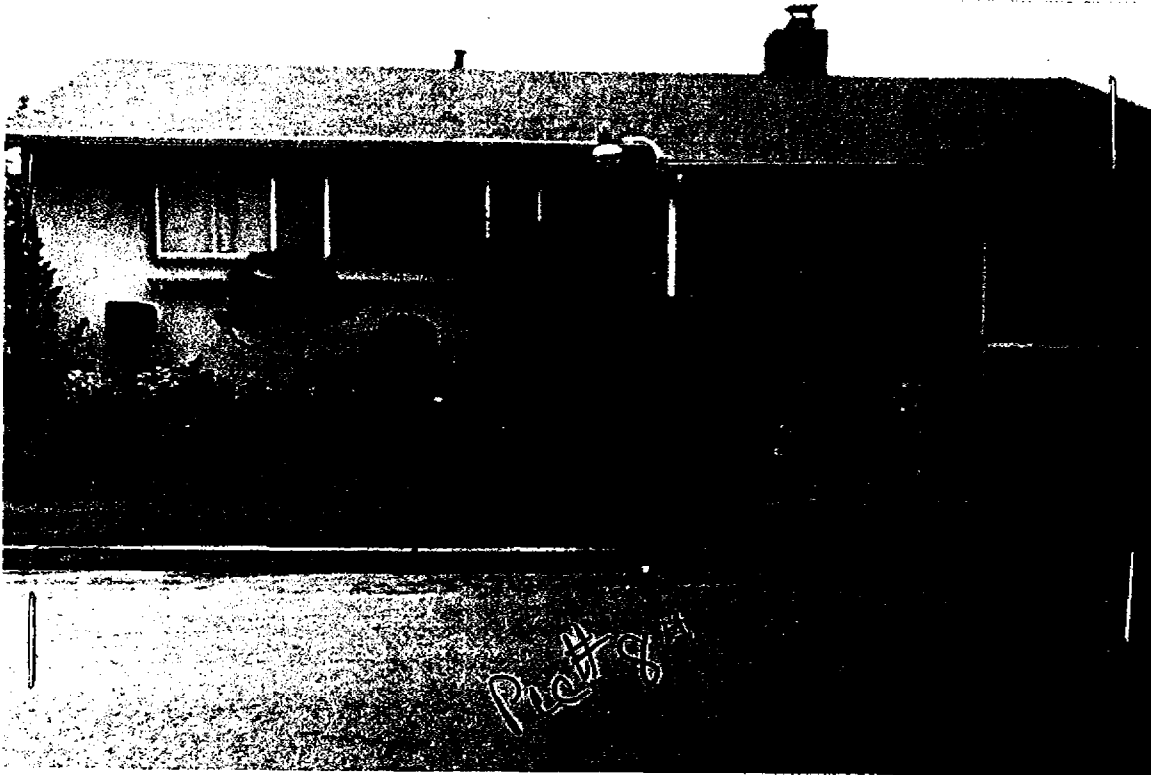


PICTURE #7,8. THIS PICTURE SHOWS 1 OF 31 HOMES
THAT ONLY HAS A 10 FT SET BACK CLEAR ACROSS
THE FRONT OF THE HOME.

24885 Broadmore Ave.



24877 Broadmore Ave



PICTURE #9,10 THIS PICTURE IS A HOME ON BROADMORE AVE .ABOUT 2 BLOCKS AWAY FROM MY HOME. THE HOME HAS BEEN REMODELED AND WHERE OUR KITCHEN IS, THE HOMEOWNER HAS BUILT A FAMILY ROOM OUT OF HIS GARAGE AND WHERE THE LIVING ROOM WAS, HE BUILT A 2 CAR GARAGE THERE AND EVERYTHING IS SET BACK ONLY 15 FT..NOW IN THE FINDINGS FOR DENIAL BY THE STAFF IN PARAGRAH E STATES THAT MY VARIANCE WOULD COMPROMISE THE DISTRICT AND WOULD BECOME A DETRIMENTAL IMPACT ON THE REQUIRED AND DESIRED OPEN SPACE THAT WOULD BE REDUCED. NOW, 46% OF MY YARD WOULD BE AT 15FT,AND 2% AT 20FT.AND THE REST AT 25FT. AS I SAID BEFORE THERE

ARE AT LEAST 31 HOMES WITH 10FT OR LESS SET
BACKS. SOME WITH 15FT. AND 40% AT 20 FT.
THIS GIVES THE SANTA CLARA NEIGHBORHOOD A BIG
VARIETY OF HOMES WITH DIFFERENT SET BACKS.

24606 - Broadmore Ave -

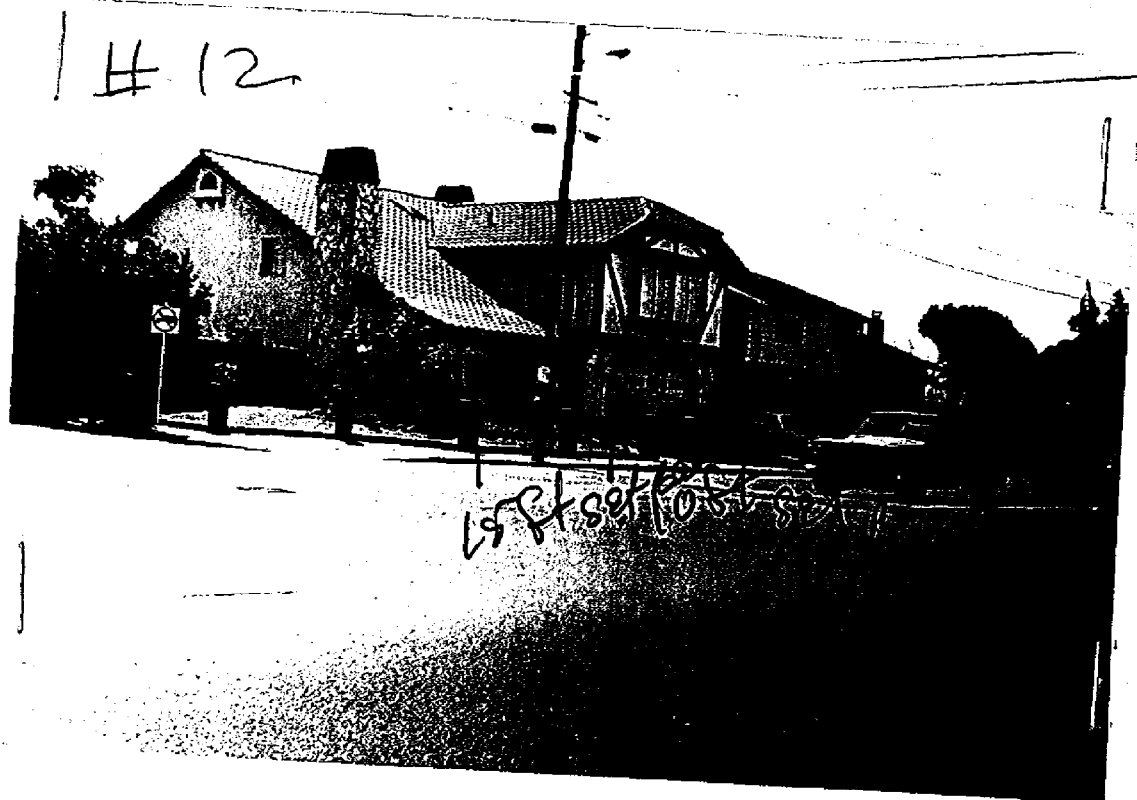
Picture
#9



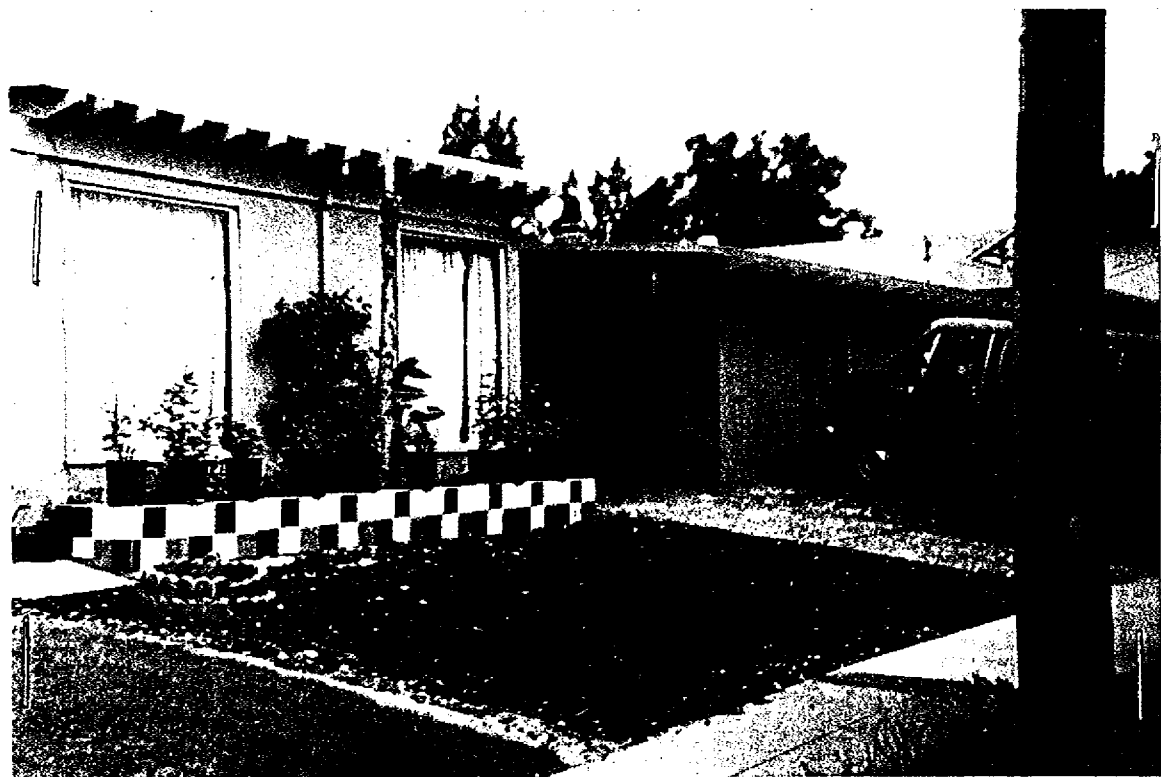
Pic #10



PICTURES # 11, 12 NOW THIS HOME WAS ABLE TO BUILD
A 2ND FLOOR WITH 15 FT SET BACK.



PICTURE # 13,14 SHOW STILL ANOTHER HOME WITH
ADD ON AT A 15 FT. SET BACK THIS HOME IS ON
WILLAMET AVE. APPROXIMATELY THREE BLOCKS
FROM MY HOUSE IN THE SAME AREA.



NOW AS YOU CAN SEE A SMALL VARIANCE OF THIS
SIZE THAT I AM REQUESTING FOR WILL NOT CAUSE
THE NEIGHBORHOOD TO RUN AMOK AND .REQUEST TO
ADD ON TO THEIR HOMES.

I HUMBLY REQUEST A CONSIDERATION OF THIS
MOTION TO BE APPROVED BY THE MEMBERS . THE
APPROVAL FOR THIS VARIANCE WOULD GREATLY
IMPROVE THE QUALITY OF LIFE FOR MY FAMILY AND
THE APPEARANCE OF THE NEIGHBORHOOD.

THANK YOU VERY MUCH


JOHN & ARCELINA EMORY

PICTURES OF MORE HOMES WITH ADD ONS OUT TO THE
15FT MARK.

